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The Honorable Stanley A. Bastian

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON AT SPOKANE

MICHELLE L. PUKI, as Personal  
Representative of the Estate of Lori  
Langton,

Plaintiff,

v.

OKANOGAN COUNTY;  
OKANOGAN BEHAVIORAL  
HEALTHCARE, a WA Nonprofit  
Corporation; DAVID KOPP, M.A. and  
JANE DOE KOPP, husband and wife  
and their marital community; M.O.  
MIRANDA EVANS J23; M.O. MITZY  
GREEN J11; C.D. CODY P. LUNN  
J19; C.D. RUSH J13; C.D. MIKE  
ADAMS J27; C.D. NOAH STEWART  
J1; C.D. TAPIA J20; C.D. ERIC  
KNAPP J6; JANE and JOHN DOES 1-  
30, and ABC CORPORATIONS 1-5,

Defendants.

Case No. 2:20-cv-00411-SAB

DEFENDANTS OKANOGAN  
BEHAVIORAL HEALTHCARE  
AND DAVID KOPP M.A.'S  
ANSWER TO PLAINTIFF'S  
FIRST AMENDED COMPLAINT

AND

DEMAND FOR JURY

Defendants Okanogan Behavioral Healthcare ("OBHC") and David Kopp,  
M.A. (collectively "OBHC defendants"), by and through their counsel of record,  
hereby answer plaintiff's First Amended Complaint for Negligence, Wrongful  
Death, and Violations of Civil Rights, ECF No. 154, ("Complaint") as follows:

OBHC DEFENDANTS ANSWER TO FIRST  
AMENDED COMPLAINT - 1

**KELLER ROHRBACK L.L.P.**

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**I. INTRODUCTION**

1.1 Paragraph 1.1 contains introductory language, which does not require and answer. It also does not contain an allegation against the OBHC defendants and, therefore, does not require an answer from them. Finally, Paragraph 1.1 contains legal conclusions, which likewise do not require an answer. To the extent an answer is required, the OBHC defendants lack sufficient knowledge to admit or deny the allegations in Paragraph 1.1 and, therefore, deny them.

1.2 Paragraph 1.2 contains introductory language, which does not require and answer. It also does not contain an allegation against the OBHC defendants and, therefore, does not require an answer from them. To the extent an answer is required, upon information and belief, the OBHC defendants deny that Ms. Langton was unresponsive, unable to speak, unable to move, or was in an “unresponsive state” on March 23, 2018. The OBHC defendants lack knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 1.2 and, therefore, deny them.

1.3 Paragraph 1.3 contains introductory language, which does not require and answer. It also does not contain an allegation against the OBHC defendants and, therefore, does not require an answer from them. Finally, Paragraph 1.1 contains legal conclusions, which likewise do not require an answer. To the extent an answer is required, the OBHC defendants lack knowledge or information

1 sufficient to admit or deny the allegations in Paragraph 1.3 and, therefore, deny  
2 them.

3  
4 1.4 Paragraph 1.4 contains introductory language, which does not require  
5 and answer. It also does not contain an allegation against the OBHC defendants  
6 and, therefore, does not require an answer from them. To the extent an answer is  
7 required, the OBHC defendants lack knowledge or information sufficient to admit  
8 or deny the allegations in Paragraph 1.4 and, therefore, deny them.

9  
10 1.5 Paragraph 1.5 contains introductory language, which does not require  
11 and answer. To the extent an answer is required and to the extent the allegations in  
12 Paragraph 1.5 are directed at the OBHC defendants, they deny those allegations.  
13 Allegations in Paragraph 1.5 asserted against others do not require an answer from  
14 OBHC. To the extent an answer is required, the OBHC defendants lack  
15 knowledge or information sufficient to admit or deny the allegations against other  
16 defendants in Paragraph 1.5 and, therefore, deny them.

## 17 18 19 20 **II. JURISDICTION AND VENUE**

21 2.1 The OBHC defendants do not contest jurisdiction, provided plaintiff's  
22 federal civil claims remain before this Court. The OBHC defendants reserve the  
23 right to object to jurisdiction in this Court should plaintiff's federal civil claims be  
24 dismissed.  
25  
26



1 regulations. Except as expressly admitted, Defendants deny the allegations in  
2 Paragraph 3.3.

3  
4 3.4 The OBHC defendants admit that David Kopp was an employee of  
5 OBHC in March 2018 and that he was a designated mental health professional at  
6 that time. The OBHC defendants admit that Kopp was a licensed mental health  
7 provider (“DMHP”) in the State of Washington, but deny that deny that he was a  
8 licensed “Designated Mental Health Provider” as the OBHC defendants do not  
9 believe such a license exists, or existed at that time, in the State of Washington.  
10 Kopp’s role and responsibilities as a DMHP, including his ability to detain  
11 individuals for involuntary mental health treatment, are defined by statutes and  
12 regulations, which speak for themselves, and the OBHC defendants refer the Court  
13 to those statutes and regulations. The remaining allegations in Paragraph 3.4 call  
14 for legal conclusions and do not require an answer. To the extent an answer is  
15 required, the OBHC defendants lack knowledge or information sufficient to admit  
16 or deny the remaining allegations in Paragraph 3.4 and, therefore, deny them.

17  
18 3.5 Paragraph 3.5 does not contain an allegation against the OBHC  
19 defendants and does not require an answer from them. Likewise, whether  
20 defendant Stewart was acting in the course and scope of employment and/or under  
21 the color of state law calls for a legal conclusion, which also does not require an  
22 answer. To the extent an answer to Paragraph 3.5 is required, the OBHC  
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1 defendants lack information or knowledge sufficient to admit or deny the  
2 allegations in this paragraph and, therefore, deny them.

3  
4 3.6 Paragraph 3.6 does not contain an allegation against the OBHC  
5 defendants and does not require an answer from them. Likewise, whether  
6 defendant Evans was acting in the course and scope of employment and/or under  
7 the color of state law calls for a legal conclusion, which also does not require an  
8 answer. To the extent an answer to Paragraph 3.6 is required, the OBHC  
9 defendants lack information or knowledge sufficient to admit or deny the  
10 allegations in this paragraph and, therefore, deny them.

11  
12  
13 3.7 Paragraph 3.7 does not contain an allegation against the OBHC  
14 defendants and does not require an answer from them. Likewise, whether  
15 defendant Green was acting in the course and scope of employment and/or under  
16 the color of state law calls for a legal conclusion, which also does not require an  
17 answer. To the extent an answer to Paragraph 3.7 is required, the OBHC  
18 defendants lack information or knowledge sufficient to admit or deny the  
19 allegations in this paragraph and, therefore, deny them.

20  
21  
22 3.8 Paragraph 3.8 does not contain an allegation against the OBHC  
23 defendants and does not require an answer from them. Likewise, whether  
24 defendant Lunn was acting in the course and scope of employment and/or under  
25 the color of state law calls for a legal conclusion, which also does not require an  
26

1 answer. To the extent an answer to Paragraph 3.8 is required, the OBHC  
2 defendants lack information or knowledge sufficient to admit or deny the  
3 allegations in this paragraph and, therefore, deny them.  
4

5 3.9 Paragraph 3.9 does not contain an allegation against the OBHC  
6 defendants and does not require an answer from them. Likewise, whether  
7 defendant Rush was acting in the course and scope of employment and/or under  
8 the color of state law calls for a legal conclusion, which also does not require an  
9 answer. To the extent an answer to Paragraph 3.9 is required, the OBHC  
10 defendants lack information or knowledge sufficient to admit or deny the  
11 allegations in this paragraph and, therefore, deny them.  
12  
13

14 3.10 Paragraph 3.10 does not contain an allegation against the OBHC  
15 defendants and does not require an answer from them. Likewise, whether  
16 defendant Adams was acting in the course and scope of employment and/or under  
17 the color of state law calls for a legal conclusion, which also does not require an  
18 answer. To the extent an answer to Paragraph 3.10 is required, the OBHC  
19 defendants lack information or knowledge sufficient to admit or deny the  
20 allegations in this paragraph and, therefore, deny them.  
21  
22  
23

24 3.11 Paragraph 3.11 does not contain an allegation against the OBHC  
25 defendants and does not require an answer from them. Likewise, whether  
26 defendant Tapia was acting in the course and scope of employment and/or under

1 the color of state law calls for a legal conclusion, which also does not require an  
2 answer. To the extent an answer to Paragraph 3.11 is required, the OBHC  
3 defendants lack information or knowledge sufficient to admit or deny the  
4 allegations in this paragraph and, therefore, deny them.  
5

6 3.12 Paragraph 3.12 does not contain an allegation against the OBHC  
7 defendants and does not require an answer from them. Likewise, whether  
8 defendant Knapp was acting in the course and scope of employment and/or under  
9 the color of state law calls for a legal conclusion, which also does not require an  
10 answer. To the extent an answer to Paragraph 3.12 is required, the OBHC  
11 defendants lack information or knowledge sufficient to admit or deny the  
12 allegations in this paragraph and, therefore, deny them.  
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16 3.13 The OBHC defendants deny OBHC or David Kopp were acting in  
17 concert with the other individually-named defendants.  
18

#### 19 IV. FACTUAL ALLEGATIONS

20 4.1 In answering Paragraph 4.1, the OBHC defendants admit that on  
21 March 23, 2018, Langton was transported by ambulance to Mid-Valley Hospital  
22 where she was seen in its emergency department. The OBHC defendants admit  
23 that Langton was conscious and responsive while at Mid-Valley Hospital on March  
24 23, 2018 and that she requested to be admitted to Mid-Valley Hospital on that date.  
25  
26 The OBHC defendants admit that Mid-Valley Hospital records, which speak for



1 themselves, indicate that Langton expressed she was not feeling well. Upon  
2 information and belief, the OBHC defendants deny the remaining allegations in  
3 Paragraph 4.1.  
4

5 4.2 The OBHC defendants admit that Mid-Valley Hospital records, which  
6 speak for themselves, indicate that it administered Langton Benadryl and Haldol.  
7 They further admit that at some point, Mid-Valley Hospital discharged Langton.  
8 However, due to a lack of specificity in Paragraph 4.2 regarding when Langton  
9 was discharged, the OBHC lack sufficient knowledge or information to admit or  
10 deny this allegation and, therefore, deny it for lack of specificity.  
11  
12

13 4.3 The OBHC defendants admit that the Mid-Valley Hospital records,  
14 which speak for themselves, indicate that Langton wanted to be, and requested to  
15 be, admitted to Mid-Valley Hospital. The OBHC defendants deny the remaining  
16 allegations in Paragraph 4.3 as an incomplete and inaccurate characterization of the  
17 evidence and records, which speak for themselves.  
18  
19

20 4.4 The OBHC defendants admit that Mid-Valley Hospital contacted  
21 OBHC, but deny that Mid-Valley Hospital called OBHC to request a mental health  
22 evaluation of Langton. The OBHC defendants lack sufficient knowledge to admit  
23 or deny the remaining allegations in Paragraph 4.4 and, therefore, deny them.  
24

25 4.5 The OBHC defendants deny that Kopp initially refused to see Langton  
26 at Mid-Valley Hospital. The OBHC defendants admit that Kopp went to Mid-

1 Valley Hospital on March 23, 2018 and that he spoke with Ms. Langton multiple  
2 times. The OBHC defendants admit that while at Mid-Valley Hospital on March  
3 23, 2018, Kopp consulted with his colleague Gary Lewis about Langton and admit  
4 that Kopp determined that Langton did not meet the criteria for involuntary  
5 hospitalization under Washington's Involuntary Treatment Act. The OBHC  
6 defendants admit that Kopp spoke with Langton and informed her about Mid-  
7 Valley Hospital's intent to ask for a police escort if Langton did not voluntarily  
8 leave the hospital, but deny the allegations in Paragraph 4.5 related to this  
9 conversation as a mischaracterization of the same. The OBHC deny that Kopp  
10 advised Mid-Valley Hospital staff that "Langton's issues were behavioral, she was  
11 exaggerating her symptoms, attempting to manipulate hospital staff, and seeking  
12 secondary gain." Kopp's record submitted to Mid-Valley Hospital speaks for  
13 itself. The OBHC defendants deny the remaining allegations in Paragraph 4.5 as  
14 an incomplete, misleading, and/or inaccurate characterization of the facts and  
15 evidence. Except as expressly admitted, the OBHC defendants deny the  
16 allegations in Paragraph 4.5.

22 4.6 The OBHC defendants admit that Kopp was not present at Mid-Valley  
23 Hospital when police arrived on March 23, 2018, but deny the last sentence of  
24 Paragraph 4.6 as an incomplete and misleading characterization of the facts it  
25 purports to allege. Upon information and belief, based on the Mid-Valley Hospital  
26

1 records, which speak for themselves, the OBHC defendants admit that Langton  
2 urinated on the floor of her hospital room. The OBHC defendants deny the  
3 remaining allegations in Paragraph 4.6.  
4

5 4.5 [sic] In answering the second Paragraph 4.5, the OBHC defendants  
6 admit that records, which speak for themselves, indicate that Omak police officers  
7 arrested Ms. Langton for criminal trespassing, offered to take her home, and when  
8 she would not respond to them, took her to the Okanogan County Jail. The OBHC  
9 defendants further admit that records, which speak for themselves, indicate that  
10 Mid-Valley Hospital staff and Omak police officers transported Langton to the  
11 officers' patrol vehicle via a wheelchair and that officers used a Hoyer lift to place  
12 her inside the vehicle. The OBHC defendants deny the remaining allegations in  
13 this Paragraph as an incomplete, misleading, and/or inaccurate characterization of  
14 the facts.  
15  
16  
17

18 4.6 [sic] In answering the second Paragraph 4.6, the OBHC defendants,  
19 who were not present in the patrol vehicle, lack sufficient knowledge or  
20 information to admit or deny the allegations in this paragraph and, therefore, deny  
21 them.  
22  
23

24 4.6 [sic] In answering the third Paragraph 4.6, the OBHC defendants,  
25 who were not present at the jail, lack sufficient knowledge to admit or deny the  
26 time Langton arrived and whether any of the identified individuals were waiting in

1 the sally-port at the jail to take custody of Langton and, therefore, deny those  
2 allegations. Upon information and belief, the OBHC defendants deny the  
3 remaining allegations in this third Paragraph 4.6.  
4

5 4.7 The OBHC defendants admit that records, which speak for  
6 themselves, indicate that at some point after her arrival at the jail, Ms. Langton was  
7 scratched and her breast was exposed, to which she had no obvious response.  
8 Upon information and belief, the OBHC defendants admit that jail staff transported  
9 Langton via a wheeled restraint chair and placed Langton on a mat on the floor of a  
10 holding cell, which jail staff identified as a crisis holding cell, and which was  
11 reported to be equipped with a camera. Upon information and belief, the OBHC  
12 defendants deny that Langton was “completely unresponsive and could not stand  
13 or speak.” Except as expressly admitted, the OBHC defendants deny the  
14 allegations in Paragraph 4.7.  
15  
16  
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18 4.8 The OBHC defendants lack knowledge or information sufficient to  
19 admit or deny the allegations in Paragraph 4.8 and, therefore, deny them.  
20

21 4.9 The OBHC defendants deny that Langton was “non-responsive”  
22 throughout her time at the jail. The OBHC defendants lack knowledge or  
23 information sufficient to admit or deny the remaining allegations in Paragraph 4.9  
24 and, therefore, deny them.  
25  
26

1           4.10 The OBHC defendants lack knowledge or information sufficient to  
2 admit or deny the allegations in Paragraph 4.10 and, therefore, deny them.

3           4.11 The OBHC defendants admit that Mitzy Green contacted the local  
4 after-hours/weekend crisis line on March 24, 2018 and requested a return call from  
5 OBHC. The OBHC defendants lack knowledge or information sufficient to admit  
6 or deny the remaining allegations in paragraph 4.11 and, therefore, deny them.  
7

8           4.12 The OBHC defendants admit that Kopp called and spoke with Green  
9 at approximately 1:40 p.m. on March 24, 2018, that Green asked Kopp to evaluate  
10 Langton at the jail, and that Kopp said he would be there in approximately one  
11 hour. The OBHC defendants further answer that Kopp's records speak for  
12 themselves and refer plaintiff and the Court to those records. The OBHC  
13 defendants deny the remaining allegations in this paragraph as an incomplete,  
14 misleading, and/or inaccurate characterization of the subject conversation.  
15

16           4.13 The OBHC defendants lack knowledge or information sufficient to  
17 admit or deny the allegations in Paragraph 4.13 and, therefore, deny them.  
18

19           4.14 In answering Paragraph 4.14, the OBHC defendants state that Kopp's  
20 records speak for themselves and refer plaintiff and the Court to those records.  
21 The OBHC defendants deny the allegations in Paragraph 4.14 as an incomplete and  
22 misleading characterization of the facts alleged therein.  
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1           4.15 In answering Paragraph 4.15, the OBHC defendants state that Kopp's  
2 records speak for themselves and refer plaintiff and the Court to those records.  
3  
4 The OBHC defendants admit that Langton did not speak to Kopp and admit that  
5 Kopp spoke to Miranda Evans and other jail staff and that he scheduled a follow up  
6 for Langton the following morning, March 25, 2018. The OBHC defendants deny  
7 the remaining allegations in Paragraph 4.15 as an incomplete and misleading  
8 characterization of the facts alleged therein.  
9

10           4.16 Upon information and belief, the OBHC defendants admit the  
11 allegations in Paragraph 4.16.  
12

13           4.17 Upon information and belief, the OBHC defendants admit the first  
14 sentence of Paragraph 4.17. The OBHC defendants lack information and  
15 knowledge sufficient to admit or deny the remaining allegations in Paragraph 4.17  
16 and, therefore, deny them.  
17

18           4.18 Upon information and belief, the OBHC defendants admit that the  
19 Okanogan County Jail requested transport from Lifeline ambulance services for  
20 Langton to take her to the hospital. The OBHC defendants lack information and  
21 knowledge sufficient to admit or deny the remaining allegations in Paragraph 4.18  
22 and, therefore, deny them.  
23  
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25           4.19 The OBHC defendants lack knowledge or information sufficient to  
26 admit or deny the allegations in Paragraph 4.19 and, therefore, deny them.

1           4.20 The OBHC defendants lack knowledge or information sufficient to  
2 admit or deny the allegations in Paragraph 4.20 and, therefore, deny them.

3           4.21 The OBHC defendants lack knowledge or information sufficient to  
4 admit or deny the allegations in Paragraph 4.21 and, therefore, deny them.

5           4.22 Upon information and belief, the OBHC defendants admit the  
6 allegations in Paragraph 4.22.  
7

8           4.23 The OBHC defendants deny the allegations asserted against Kopp in  
9 Paragraph 4.23. The OBHC defendants deny that Kopp is an “Okanogan County  
10 Defendant” as those defendants are identified in the Complaint. The remaining  
11 allegations in Paragraph 4.23 are not directed at the OBHC defendants and,  
12 therefore, do not require an answer from them. To the extent an answer is  
13 required, the OBHC defendants lack information or knowledge to admit or deny  
14 the allegations in paragraph 4.23 directed at others and, therefore, deny them.  
15

16           4.24 The OBHC defendants deny the allegations asserted against Kopp in  
17 Paragraph 4.24. The OBHC defendants deny that Kopp is an “Okanogan County  
18 Defendant” as those defendants are identified in ECF No. 154. The remaining  
19 allegations in Paragraph 4.24 are not directed at the OBHC defendants and,  
20 therefore, do not require an answer from them. To the extent an answer is  
21 required, the OBHC defendants lack information or knowledge to admit or deny  
22 the allegations in paragraph 4.24 directed at others and, therefore, deny them.  
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24  
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1           4.25 The OBHC defendants deny the allegations asserted against Kopp in  
2 Paragraph 4.25. The OBHC defendants deny that Kopp is an “Okanogan County  
3 Defendant” as those defendants are identified in ECF No. 154. The remaining  
4 allegations in Paragraph 4.25 are not directed at the OBHC defendants and,  
5 therefore, do not require an answer from them. To the extent an answer is  
6 required, the OBHC defendants lack information or knowledge to admit or deny  
7 the allegations in paragraph 4.25 directed at others and, therefore, deny them.  
8  
9

10                   **V.     LIABILITY AND CAUSES OF ACTION**

11                               **COUNT I**

12                                   **CIVIL RIGHTS VIOLATION**

13                                   **As to All Individual Defendants**

14                                   **(42 U.S.C. § 1983)**

15           5.1 Defendants incorporate by reference their answers to the preceding  
16 paragraphs.

17           5.2 The OBHC defendants deny any allegations asserted against them in  
18 Paragraph 5.2. Allegations asserted against others do not require an answer from  
19 the OBHC defendants. To the extent an answer is required, the OBHC defendants  
20 lack information or knowledge sufficient to answer the allegations asserted against  
21 others and, therefore, deny them.  
22  
23

24           5.3 The OBHC defendants deny the allegations in Paragraph 5.3.  
25  
26



**COUNT II**  
**CIVIL RIGHTS VIOLATION - *MONELL***  
**As to Okanogan County and OBHC**  
**(42 U.S.C. § 1983)**

5.4 The OBHC defendants incorporate by reference their answers to the preceding paragraphs.

5.5 The OBHC defendants deny the allegations in Paragraph 5.5.

5.6 The OBHC defendants deny the allegations in Paragraph 5.6.

5.6 [sic] In answering the second Paragraph 5.6, the OBHC defendants deny those allegations.

5.7 The OBHC defendants deny the allegations in Paragraph 5.7.

**COUNT III**  
**WRONGFUL DEATH**  
**As to All Defendants**  
**(RCW 4.20.010 et seq.)**

5.8 The OBHC defendants incorporate by reference their answers to the preceding paragraphs.

5.9 Paragraph 5.9 contains a legal conclusion and does not require an answer. To the extent an answer is required, the OBHC defendants lack knowledge or information sufficient to admit or deny the allegations in this paragraph and, therefore, deny them.

5.10 The OBHC defendants deny the allegations in Paragraph 5.10.

**COUNT IV**  
**SURVIVAL STATUTE NEGLIGENCE**  
**As to All Defendants**  
**(RCW 4.20.046 et seq.)**

5.11 The OBHC defendants incorporate by reference their answers to the preceding paragraphs.

5.12 Paragraph 5.12 contains a legal conclusion and does not require an answer. To the extent an answer is required, the OBHC defendants lack knowledge or information sufficient to admit or deny the allegations in this paragraph and, therefore, deny them.

5.13 The OBHC defendants deny any allegations in Paragraph 5.13 asserted against them. Allegations asserted against others do not require an answer from the OBHC defendants. To the extent an answer is required, the OBHC defendants lack information or knowledge sufficient to answer the allegations asserted against others and, therefore, deny them.

5.14 The OBHC defendants deny any allegations in Paragraph 5.14 asserted against them. Allegations asserted against others do not require an answer from the OBHC defendants. To the extent an answer is required, the OBHC defendants lack information or knowledge sufficient to answer the allegations asserted against others and, therefore, deny them.

**COUNT V  
MEDICAL NEGLIGENCE**

**As to Okanogan County, OBHC, David Kopp, Miranda Evans, and  
Mitzy Green  
(RCW 7.70.010, et seq.)**

5.15 The OBHC defendants incorporate by reference their answers to the preceding paragraphs.

5.16 The OBHC defendants deny any allegations in Paragraph 5.16 asserted against them, to the extent there are any. Allegations asserted against others do not require an answer from the OBHC defendants. To the extent an answer is required, the OBHC defendants lack information or knowledge sufficient to answer the allegations asserted against others and, therefore, deny them.

5.17 The OBHC defendants deny any allegations in Paragraph 5.17 asserted against them, to the extent there are any. Allegations asserted against others do not require an answer from the OBHC defendants. To the extent an answer is required, the OBHC defendants lack information or knowledge sufficient to answer the allegations asserted against others and, therefore, deny them.

5.18 The OBHC defendants deny any allegations in Paragraph 5.18 asserted against them, to the extent there are any. Allegations asserted against others do not require an answer from the OBHC defendants. To the extent an answer is required, the OBHC defendants lack information or knowledge sufficient to answer the allegations asserted against others and, therefore, deny them.



1           3.     Plaintiff's Complaint fails to meet the pleading standard of Rule 9(b)  
2 of the Federal Rules of Civil Procedure.

3  
4           4.     Plaintiff's claims may be reduced by her failure to mitigate her  
5 damages.

6           5.     Plaintiff's Amended Complaint and each and every action thereof is  
7 barred on the grounds that the OBHC defendant's conduct referred to in the  
8 Amended Complaint was not a substantial factor in bringing about the injuries and  
9 damages complained of by plaintiff.  
10

11  
12          6.     The OBHC defendants acted in an ordinary and reasonable manner  
13 and, if any duty was owed to plaintiff and/or Langton, the OBHC defendants did  
14 not breach that duty.

15  
16          7.     Plaintiff's damages, if any, may have been caused in whole or in part  
17 by Langton's own conduct.

18  
19          8.     Plaintiff's claims are barred because there is no causal relationship  
20 between any alleged act, omission, or breach of duty by the OBHC defendants, if  
21 any, and plaintiff's alleged damages.

22  
23          9.     Plaintiffs' injuries or damages, if any, may have caused by the fault of  
24 other persons or parties over whom Defendants had no control, including but not  
25 limited to, the other defendants named above, the City of Omak and its individuals  
26 police officers, and Mid-Valley Hospital and the physicians, nurses, and staff who

1 interacted with Langton at Mid-Valley Hospital on March 23 and 24, 2018.

2 Pursuant to RCW 4.22.070, Plaintiff's recovery, if any, should be reduced in  
3 proportion to the degree of fault attributed to those other persons or parties.  
4

5 10. Plaintiff's injuries or damages, if any, were caused by the intentional  
6 conduct of other persons or parties over whom the OBHC defendants had no  
7 control. Plaintiff's injuries or damages, if any, caused by the intentional conduct  
8 of these individuals must be segregated from injuries or damages, if any, allegedly  
9 caused by the OBHC defendants.  
10

11 11. The OBHC defendants may be entitled to qualified immunity under  
12 42 U.S.C. § 1983.  
13

14 12. Plaintiff's claims may be barred by the equitable doctrines of laches,  
15 estoppel, and waiver.  
16

17 13. The OBHC defendants reserve the right to assert such other and  
18 further defenses as may become available to them or apparent during the discovery  
19 of this matter and reserve the right to amend their answer to assert any such  
20 defense.  
21

## 22 PRAYER FOR RELIEF

23 WHEREFORE, having fully answered the complaint, Defendants pray for  
24 the following relief:  
25

26 A. Dismissal of Plaintiff's Complaint with prejudice;

- 1 B. An award of Defendants' costs and attorney fees; and  
2 C. Such other relief and further relief in favor of Defendants as may be  
3 deemed just and equitable.  
4

5  
6 RESPECTFULLY SUBMITTED this 17th day of March, 2023.

7 KELLER ROHRBACK L.L.P.

8 By s/ Holly E. Lynch

9 Holly E. Lynch, WSBA #37281  
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15 Attorneys for Defendants Okanogan  
16 Behavioral Healthcare and David and Jane  
17 Doe Kopp  
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**CERTIFICATE OF SERVICE**

I hereby certify that on the below date, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF System. The NEF for the foregoing specifically identifies recipients of electronic notice.

DATED this 17th day of March, 2023.

s/ Keeley Engle

Keeley Engle, Legal Assistant

KELLER ROHRBACK L.L.P.

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4887-2695-3815, v. 1